

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
)	CRIMINAL NO. 10-10124-DPW
v.)	
)	
)	
JEFFREY L. CLEMENS,)	
)	
Defendant/Petitioner)	

MEMORANDUM AND ORDER
June 3, 2016

I have found grounds to believe that the defendant and perhaps also his brother have engaged in knowing and willful violation of the long standing order applicable in this Circuit, *see generally United States v. Kepreos*, 759 F.3d 961, 967 (1st Cir. 1985) — reiterated by me immediately after the jury returned its verdict finding the defendant guilty of threatening persons adverse to him in certain civil litigation — that no party or representative of a party may contact a juror without prior approval and supervision of the court. Such approval was neither sought from nor provided by me in this case.

In order to investigate the potential criminal contempt matter in this regard that I have referred to the United States Attorney's Office for review, the government seeks leave to contact the juror who was apparently the object of defendant's post-verdict approach. The defendant has filed a *pro se* opposition.

I will allow the government's motion with limitations. While government personnel may contact the juror in the course of investigation of potential criminal contempt proceedings, the government personnel engaged in that contact may not be any of the personnel involved in pursuing the underlying conviction. This limitation will maintain the core principles of the *Kepreos* holding which provides the foundation

for the contempt matter. At the same time, it will provide disinterested prosecutorial and investigative personnel the opportunity to conduct a meaningful investigation without providing to those governmental personnel involved in the underlying criminal prosecution access to jurors post-verdict when defendant is barred from equal access.

/s/ Douglas P. Woodlock
DOUGLAS P. WOODLOCK
UNITED STATES DISTRICT JUDGE